IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

APPEAL NO.549 OF 2004
IN
CHAMBER SUMMONS NO. 231 OF 2004
IN
SUIT NO.704 OF 1993

M/s.World Wide Management Consultant Appellant

vs.

1. Mrs.Shanti Gopalkirishnan & ors. Respondents

Mr.N.G.Thakkar, senior counsel with Mr.Suresh Kumar i/b.
Mr.Ramprakash Pandey for the appellant.

Mr.Pramodkumar Vora for the respondent no.1.

Mr.S.R.Mishra for the respondent no.2.

Mr.R.Vasudeo for respondents 3 and 4.

Mr.Sandesh Deshpande i/b. Mr.K.A.Bhatt for respondents
6 and 7.

CORAM : R. M. LODHA &
J.P. DEVADHAR,JJ.

DATED : 25th October 2004

P.C.

Heard.

2. This appeal by the appellant is devoid of any substance and rather an abuse of process of court. The appellant was required to pay royalty at the rate of Rs.15,600/- per month vide order of the Division Bench dated 6th October 2003. The appellant admittedly has not made the payment of the royalty as per the aforesaid

order of the Division Bench. The stand of the appellant is that proceeding was taken by it before the Court of Small Causes for fixation of standard rent and in the said proceeding the Court of Small Causes has fixed the interim standard rent at the rate of Rs.3,000/- per month exclusive of monthly outgoings and electricity charges and, therefore, the royalty was not payable @ Rs.15,600/- p.m. The stand of the appellant is misconceived and dishonest for two reasons (one) the order of the Division Bench requiring the appellant to pay royalty @ Rs.15,600/- p.m. holds the field until date and (two) the operation of the order fixing interim standard rent @ Rs.3000/- p.m. is already stayed.

3. It, thus, appears to us that the appellant has deliberately failed to comply with the terms of the agency agreement. In the circumstances, the impugned order does not call for any interference.

4. Appeal is dismissed in limine.

(R.M. LODHA,J.)

(J.P. DEVADHAR,J.)